

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

OXNARD SCHOOL DISTRICT.

OAH CASE NO. 2013090950

ORDER GRANTING JOINT REQUEST
FOR CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On October 18, 2013, the parties filed a first joint request for a continuance of the dates set for mediation, prehearing conference and due process hearing to agreed dates. The dates requested for hearing are within 90 days of the initial date set for hearing.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

Granted. All dates are vacated. This matter will be set as follows:

Mediation:	December 18, 2013 at 9:30 a.m.
Prehearing Conference:	January 13, 2014, at 10:00 a.m.
Due Process Hearing:	February 4, 5, 6, 2014, beginning at 9:00 a.m., and

continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge. (The parties' requested dates that fall on a Tuesday, Thursday and Saturday. The dates set are consistent with OAH calendaring policy and as close as possible to the dates requested.)

IT IS SO ORDERED.

Dated: October 18, 2013

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings